

STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULES CHANGES

The Rules Committee submitted Part III of its One Hundred Seventy-Eighth Report to the Court of Appeals on March 11, 2016, recommending, *inter alia*, proposed new Title 19 (Attorneys). The Committee now has submitted to the Court its Supplement to the Part III, transmitting thereby proposed new Rule 19-101 and Title 19, Chapter 200, as revised, together with the Rules of the Board, conformed to the proposals.

The Committee's Supplement to Part III of its One Hundred Seventy-Eighth Report and the proposed new rules are set forth below.

Interested persons are asked to consider the Supplement to Part III of the Committee's Report and proposed rules changes and to forward on or before May 31, 2016 any written comments they may wish to make to:

Bessie M. Decker, Clerk  
Court of Appeals of Maryland  
361 Rowe Boulevard  
Annapolis, Maryland 21401

BESSIE M. DECKER  
Clerk  
Court of Appeals of Maryland

**Hon. ALAN M. WILNER, Chair**  
**SANDRA F. HAINES, Reporter**  
**DAVID R. DURFEE JR., Assistant Reporter**  
**SHERIE B. LIBBER, Assistant Reporter**

May 20, 2016

The Honorable Mary Ellen Barbera,  
Chief Judge  
The Honorable Clayton Greene, Jr.  
The Honorable Sally D. Adkins  
The Honorable Robert H. McDonald  
The Honorable Shirley M. Watts  
The Honorable Michele D. Hotten,  
Judges  
The Court of Appeals of Maryland  
Robert C. Murphy Courts of Appeals Building  
Annapolis, Maryland 21401

Re: Supplement to 178<sup>th</sup> Report,  
Part III

Your Honors:

The Rules Committee submits this Supplement to Part III of its One Hundred Seventy-Eighth Report and recommends that the Court adopt the amendments to Rule 19-101 and the Bar Admission Rules included in Title 19, Chapter 200 of Part III transmitted herewith. Also transmitted are revised Rules of the Board, many of which are affected by the proposed amendments.

Following submission of Part III to the Court, the State Board of Law Examiners requested the Rules Committee to consider these amendments. The Committee did so at its regular meeting on May 19, 2016 - the earliest practicable time - and, with minor changes, approved them. Part III is scheduled to be considered by the Court at an open meeting on June 1, 2016. This Supplement, including the proposed amendments, will be presented for posting on the Judiciary website contemporaneously with this submission.

For the further guidance of the Court and the public, following the proposed Rules changes are Reporter's notes describing in further detail the reasons for the proposals. *We caution that the Reporter's notes are not part of the Rules, have not been debated or approved by the Committee, and are not to be regarded as any kind of official comment or interpretation.* They are included solely to assist the Court in understanding some of the reasons for the proposed changes.

Sincerely,

/s/

Alan M. Wilner  
Chair

AMW:cdc  
Enclosure  
cc: Bessie M. Decker, Clerk

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 100 - STATE BOARD OF LAW EXAMINERS AND

CHARACTER COMMITTEES

Rule 19-101. DEFINITIONS

In this Chapter and Chapter 200 of this Title, the following definitions apply, except as expressly otherwise provided or as necessary implication requires:

(a) ADA

"ADA" means the Americans with Disabilities Act ~~as~~  
~~amended~~, 42 U.S.C. §12101, et seq.

(b) Applicant; Petitioner

"Applicant" means an individual who applies for admission to the Bar of Maryland (1) pursuant to Rule 19-202, or (2) as a "petitioner" under Rule 19-213.

(c) Board

"Board" means the Board of Law Examiners of the State of Maryland.

(d) Court

"Court" means the Court of Appeals of Maryland.

(e) Filed

"Filed" means received in the office of the Secretary of the Board during normal business hours.

(f) MBE

"MBE" means the Multi-state Bar Examination published by

the ~~National Conference of Bar Examiners~~ NCBE.

(g) Member of the Bar of a State

"Member of the Bar of a State" means an individual who is unconditionally admitted to practice law before the highest court of that State.

~~(g)~~ (h) MPT

"MPT" means the Multistate Performance Test published by the ~~National Conference of Bar Examiners~~ NCBE.

(i) NCBE

"NCBE" means the National Conference of Bar Examiners.

~~(h)~~ (j) Oath

"Oath" means a declaration or affirmation made under the penalties of perjury that a certain statement of fact is true.

~~(i)~~ (k) State

"State" means (1) a state, possession, territory, or commonwealth of the United States or (2) the District of Columbia.

(l) Transmit

"Transmit" means to convey written material in a manner reasonably calculated to cause the intended recipient to receive it.

Source: This Rule is derived from former Rule 1 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Rule 19-101 is derived from current Rule 1 of the Rules Governing Admission to the Bar of Maryland (RGAB), with style changes.

## **Rule 19-101**

The State Board of Law Examiners recommends the addition of definitions of "Member of a Bar of a State" and "Transmit." Additionally, a definition of "NCBE" is added as a matter of style because references to the National Conference of Bar Examiners are used in several places in the Rules.

**MARYLAND RULES OF PROCEDURE**

**TITLE 19 - ATTORNEYS**

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MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-201. ELIGIBILITY TO TAKE MARYLAND GENERAL BAR  
EXAMINATION

(a) Educational Requirements

Subject to section (b) of this Rule, in order to take the Maryland General Bar examination an individual:

(1) shall have completed the pre-legal education necessary to meet the minimum requirements for admission to a law school approved by the American Bar Association; and

(2) shall have graduated or be unqualifiedly eligible for graduation with a juris doctor or equivalent degree from a law school (A) located in a state and (B) approved by the American Bar Association.

(b) Waiver

The Board may waive the requirements of subsection (a)(2) of this Rule for an applicant who (1) has passed the bar examination of another state, is a member in good standing of the Bar of that state, and the Board finds is qualified by reason of education or experience to take the bar examination; or (2) is admitted to practice in a jurisdiction that is not defined as a state by Rule 19-101 ~~(i)~~ (k) and has obtained an additional degree from a law school ~~in Maryland~~ approved by the American Bar Association that meets the requirements prescribed by the Board

Rules.

(c) Minors

If otherwise qualified, an applicant who is under 18 years of age is eligible to take the bar examination but shall not be admitted to the Bar until 18 years of age.

Source: This Rule is derived from former Rules 3 and 4 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Subsection (a)(1) of Rule 19-201 is derived from current RGAB 3. The remainder of the Rule is derived from current RGAB 4, as amended effective January 1, 2013.

The Board recommends the addition of the word "General" to the title of the Rule and to section (a) to distinguish the examination to which Rule 19-201 applies from the attorney examination.

The Board also recommends deletion of the phrase, "in Maryland" from subsection (b)(2), so that the "additional degree" upon which the waiver is based may have been obtained from any ABA-approved law school, regardless of the State in which the school is located.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-202. APPLICATION FOR ADMISSION ~~AND PRELIMINARY~~  
~~DETERMINATION OF ELIGIBILITY~~

(a) By Application

An individual who meets the requirements of Rule 19-201 or had the requirement of Rule 19-201 (a)(2) waived pursuant to Rule 19-201 (b) may apply for admission to the Bar of this State by filing with the Board an application for admission, accompanied by a Notice of Intent to Take a Scheduled General Bar Examination, and the prescribed fee.

Cross reference: See Rule 19-204 (Notice of Intent to Take a Scheduled General Bar Examination).

(b) Form of Application

The application shall be on a form prescribed by the Board and shall be under oath. The form shall elicit the information the Board considers appropriate concerning the applicant's character, education, and eligibility to become an applicant. The application shall require the applicant to provide the applicant's Social Security number and shall include an authorization to release confidential information pertaining to the applicant's character and fitness for the practice of law to a Character Committee, the Board, and the Court. The application shall be accompanied by satisfactory evidence that the applicant

meets the pre-legal education requirements of Rule 19-201 and a statement under oath that the applicant is eligible to take the examination. No later than the first day of September following an examination in July or the fifteenth day of March following an examination in February, the applicant shall cause to be sent to the Office of the State Board of Law Examiners an official transcript that reflects the date of the award to the applicant of a qualifying law degree under Rule 19-201, unless the official transcript already is on file with the Office.

(c) Time for Filing

~~(1) Without Intent to Take Particular Examination~~

~~At any time after the completion of pre-legal studies, an individual may file an application to determine whether there are any existing impediments, including reasons pertaining to the individual's character and the sufficiency of pre-legal education, to the applicant's qualifications for admission.~~

~~(2) With Intent to Take Particular Examination~~

(1) Generally

An applicant who intends to take the examination in July shall file the application no later than the preceding May 20. An applicant who intends to take the examination in February shall file the application no later than the preceding December 20.

~~(3)~~ (2) Acceptance of Late Application

Upon written request of the applicant and for good cause shown, the Board may accept an application filed after the

applicable deadline prescribed in subsection ~~(c)(2)~~ (c)(1) of this Rule. ~~If the applicant intends to take a particular bar examination, the applicant shall also show good cause under Rule 19-204 (c) for late filing of a petition.~~ If the Board rejects the application for lack of good cause for the untimeliness, the applicant may file an exception with the Court within five business days after notice of the rejection is ~~mailed~~ transmitted.

(d) Preliminary Determination of Eligibility

On receipt of an application, the Board shall determine whether the applicant has met the pre-legal education requirements set forth in Rule 19-201 (a) and in Code, Business Occupations and Professions Article, §10-207. If the Board concludes that the requirements have been met, it shall forward the ~~character questionnaire portion of the~~ application to a Character Committee. If the Board concludes that the requirements have not been met, it shall promptly notify the applicant in writing.

(e) Updated Application

If an application has been pending for more than three years since the date of the applicant's most recent application or updated application, the applicant shall file with the Board an updated application ~~prior to filing a petition to take a scheduled examination~~ contemporaneously with filing any Notice of Intent to Take a Scheduled General Bar Examination. The updated application shall be under oath, filed on the form prescribed by

the Board, and accompanied by the prescribed fee.

(f) Withdrawal of Application

At any time, an applicant may withdraw an application by filing with the Board written notice of withdrawal. No fees will be refunded.

Committee note: Withdrawal of an application terminates all aspects of the admission process.

(g) Subsequent Application

An applicant who reapplies for admission after an earlier application has been withdrawn or rejected pursuant to Rule 19-203 must retake and pass the bar examination even if the applicant passed the examination when the earlier application was pending. If the applicant failed the examination when the earlier application was pending, the failure shall be counted under Rule 19-208.

Source: This Rule is derived from former Rule 2 of the Rules Governing Admission to the Bar of Maryland (2016). Section (b) is derived in part from former Rule 6 (d).

REPORTER'S NOTE

Rule 19-202 is derived from current RGAB 2 with some changes. The Committee note following current Rule 2 (a) is deleted as superfluous. The Committee note following current Rule 2 (c) is deleted, but the examples of "impediments" are added to the text of the Rule.

The application process, which currently involves the filing an application, followed by a petition to take the examination, is replaced by the simultaneous filing of an application and a Notice to take a Scheduled General Bar Examination. The Notice may specify the next scheduled examination or an examination that is further in the future.

In ~~subsection (c)(2)~~, the concept of a deadline followed by a "late" deadline is replaced by one deadline per examination.

The reference to lack of good cause for untimeliness is added to subsection ~~(c)(3)~~ (c)(2) for clarity, and to distinguish this rejection from any other rejection of an application. The time for filing an exception is clarified to read, "within five business days after notice of the rejection is ~~mailed~~ transmitted."

Section (e) is new. It requires the applicant to file an updated application if the applicant's most recent application has been pending for more than three years.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-203. CHARACTER REVIEW

(a) Investigation and Report of Character Committee

(1) On receipt of ~~a character questionnaire~~ an application forwarded by the Board pursuant to Rule 19-202 (d), the Character Committee shall (A) through one of its members, personally interview the applicant, (B) verify the facts stated in the questionnaire, contact the applicant's references, and make any further investigation it finds necessary or desirable, (C) evaluate the applicant's character and fitness for the practice of law, and (D) transmit to the Board a report of its investigation and a recommendation as to the approval or denial of the application for admission.

(2) If the Committee concludes that there may be grounds for recommending denial of the application, it shall notify the applicant in writing and schedule a hearing. The hearing shall be recorded verbatim by shorthand, stenotype, mechanical or electronic audio recording methods, electronic word or text processing methods, or any combination of those methods. The applicant shall have the right to testify, to present ~~witnesses~~ other testimony and evidence, and to be represented by an attorney. ~~A transcript of the hearing shall be transmitted by the Committee to the Board along with the Committee's report.~~

~~The Committee's report shall set~~ Committee shall prepare a report and recommendation setting forth findings of fact on which the recommendation is based and a statement supporting the conclusion. A transcript of the hearing shall be transmitted by the Committee to the Board along with the Committee's report. The Committee shall ~~mail~~ transmit a copy of its report to the applicant, and a copy of the hearing transcript shall be furnished to the applicant upon payment of reasonable costs.

(b) Hearing by Board

If the Board concludes after review of the Character Committee's report and the transcript that there may be grounds for recommending denial of the application, it shall promptly afford the applicant the opportunity for a hearing on the record made before the Committee. In its discretion, the Board, may permit additional evidence to be submitted. If the recommendation of the Board differs from the recommendation of the Character Committee, the Board shall prepare a report and recommendation setting forth findings of fact on which the recommendation is based and a statement supporting the conclusion and shall transmit ~~The Board shall mail~~ a copy of its report and recommendation to the applicant and the Committee. If the Board decides to recommend denial of the application in its report to the Court, the Board shall first give the applicant an opportunity to withdraw the application. If the applicant withdraws the application, the Board shall retain the records. If the applicant elects not to withdraw the application, the

Board shall transmit to the Court a report of its proceedings and a recommendation as to the approval or denial of the application together with all papers relating to the matter.

(c) Review by Court

~~(1) After the Board submits its report and adverse recommendation the Court shall require the applicant to show cause why the application should not be denied.~~ If the Court, after reviewing the report of the Character Committee and any report of the Board, believes there may be grounds to deny admission, the Court shall order the applicant to appear for a hearing and show cause why the application should not be denied.

(2) If the Board recommends approval of the application contrary to an adverse recommendation by the Character Committee, within 30 days after the filing of the Board's report, the Committee may file with the Court exceptions to the Board's recommendation. The Committee shall ~~mail~~ transmit copies of its exceptions to the applicant and the Board.

(3) Proceedings in the Court under section (c) of this Rule shall be on the record made before the Character Committee and the Board. If the Court denies the application, the Board shall retain the records.

(d) Burden of Proof

The applicant bears the burden of proving to the Character Committee, the Board, and the Court the applicant's good moral character and fitness for the practice of law. Failure or refusal to answer fully and candidly any question in the

application or any relevant question asked by a member of the Character Committee, the Board, or the Court is sufficient cause for a finding that the applicant has not met this burden.

Committee note: Undocumented immigration status, in itself, does not preclude admission to the Bar, provided that the applicant otherwise has demonstrated good moral character and fitness.

(e) Continuing Review

All applicants remain subject to further Character Committee and Board review and report until admitted to the Bar.

Source: This Rule is derived from former Rule 5 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Rule 19-203 is derived from current RGAB 5 with style changes and a clarification of the existing requirement that a hearing conducted by a Character Committee be on the record supplemented by any additional evidence that the Board, in its discretion, may allow. Additionally, a Committee note following section (d) is added.

The Board's suggested changes to Rule 19-203 are mostly stylistic and reflect current practice, except that the character questionnaire will be included in the application, and the word "transmit," as defined in Rule 19-101, replaces the word "mail" throughout the Rule.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-204. ~~PETITION~~ NOTICE OF INTENT TO TAKE A SCHEDULED  
GENERAL BAR EXAMINATION

(a) Filing

An applicant may file a ~~petition to take a scheduled bar examination~~ Notice of intent to Take a Scheduled General Bar Examination if (1) the applicant is eligible under Rule 19-201 to take the bar examination, (2) the applicant contemporaneously files or has applied previously filed an application for admission pursuant to Rule 19-202, and (3) the application has not been withdrawn or rejected pursuant to Rule 19-203. The ~~petition~~ notice of intent shall be under oath, filed on the form prescribed by the Board, and accompanied by the prescribed fee.

(b) Request for Test Accommodation

An applicant who seeks a test accommodation under the ADA for the bar examination shall indicate that request on the Notice of Intent to Take a Scheduled General Bar Examination, and shall file with the Board an "Accommodation Request" on a form prescribed by the Board, together with the supporting documentation that the Board requires. The form and documentation shall be filed no later than the deadline stated in section (c) of this Rule for filing a ~~petition to take a scheduled bar examination~~ the Notice of Intent to Take a

Scheduled General Bar Examination. The Board may reject an accommodation request that is (1) substantially incomplete or (2) filed untimely ~~if the untimeliness makes the granting of the accommodation impracticable.~~ The Board shall notify the applicant in writing of the basis of the rejection and shall provide the applicant an opportunity to correct any deficiencies in the accommodation request before the filing deadline for the current examination or, if the current deadline has passed, before the filing deadline for the next administration of the examination.

Committee note: An applicant who may need a test accommodation is encouraged to file an Accommodation Request as early as possible.

Cross reference: See Rule 19-205 for the procedure to appeal a denial of a request for a test accommodation.

(c) Time for Filing

An applicant who intends to take the examination in July shall file the ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination no later than the preceding May 20. An applicant who intends to take the examination in February shall file the ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination no later than the preceding December 20. Upon written request of an applicant and for good cause shown, the Board may accept a ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination filed after that deadline. If the Board rejects the ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination for lack of good cause for the untimeliness, the

Board shall transmit written notice of the rejection to the applicant. ~~the~~ The applicant may file an exception with the Court within five business days after notice of the rejection is mailed transmitted.

~~(d) Affirmation and Verification of Eligibility~~

~~The petition to take an examination shall contain a signed, notarized statement affirming that the applicant is eligible to take the examination. No later than the first day of September following an examination in July or the fifteenth day of March following an examination in February, the applicant shall cause to be sent to the Office of the State Board of Law Examiners an official transcript that reflects the date of the award to the applicant of a qualifying degree under Rule 19-201.~~

~~(e) Voiding of Examination Results for Ineligibility~~

~~If an applicant who is determined by the Board not to be eligible under Rule 19-201 takes an examination, the applicant's petition shall be deemed invalid and the applicant's examination results shall be voided. No fees shall be refunded.~~

~~(f) Certification by Law School~~

~~Promptly following each bar examination, the Board shall submit a list of applicants who identified themselves as graduates of a particular law school and who sat for the most recent bar examination to the law school for certification of graduation and good moral character. Not later than 45 days after each examination, the law school dean or other authorized official shall certify to the Board in writing (1) the date of~~

~~graduation of each of its graduates on the list or shall state that the applicant is unqualifiedly eligible for graduation at the next commencement exercise, naming the date; and (2) that each of the applicants on the list, so far as is known to that official, has not been guilty of any criminal or dishonest conduct other than minor traffic offenses and is of good moral character, except as otherwise noted.~~

~~(g)~~ (d) Refunds Withdrawal of Notice of Intent to Take a Scheduled General Bar Examination or Absence from Examination

If an applicant withdraws the ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination or fails to attend and take the examination, the examination fee shall not be refunded ~~except for good cause shown.~~ The Board may apply the examination fee ~~may not be applied~~ to a subsequent examination ~~unless the applicant is permitted by the Board to defer taking the examination or if~~ the applicant establishes good cause for the withdrawal or failure to attend.

Source: This Rule is derived from former Rule 6 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Amendments to current Rules 6 and 9 of the Rules Governing Admission to the Bar of Maryland were proposed at the request of the State Board of Law Examiners.

Rule 19-204 contains the procedure for filing a Notice of Intent to take a Scheduled General Bar Examination.

~~To allow the Board sufficient time to process a petition to take an examination, in light of increases in the number of applicants and the number of requests for accommodation under the Americans With Disabilities Act, the time for filing the petition~~

~~was changed from 20 days before the scheduled examination to no later than the preceding May 20<sup>th</sup> for the July examination or the preceding December 20<sup>th</sup> for a February examination. A~~ In section (b), a sentence permitting the Board to reject an incomplete or untimely request accommodation request is added. Also added is a sentence requiring the Board to notify the applicant of the basis for the rejection and providing the applicant with the opportunity to correct any deficiencies.

In section (c), the time for filing an exceptions is clarified to read, "within five business days after notice of the rejection is ~~mailed~~ transmitted."

~~The requirement set forth in current Rule 6 (f) that a certain certification by the applicant's law school be included in the petition was deleted. In its place were added new sections (d) and (e). New section (d) requires the applicant to affirm the applicant's eligibility to take the examination and provide an official law school transcript to the Board within a certain time after the examination. New section (e) voids the examination results of any applicant who is found to have been ineligible to take the examination.~~

~~In Section (g), Refunds~~ Withdrawal of Notice of Intent to Take a Scheduled General Bar Examination or Absence from Examination, is derived in part from former Rule 6, and a provision pertaining to good cause for withdrawal of the petition from or failure to attend the examination is added.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-205. APPEAL OF DENIAL OF ADA TEST ACCOMMODATION  
REQUEST

(a) Accommodations Review Committee

(1) Creation and Composition

There is an Accommodations Review Committee that shall consist of nine members appointed by the Court of Appeals. Six members shall be attorneys admitted to practice in Maryland who are not members of the Board. Three members shall ~~not~~ be non-attorneys. Each non-attorney member shall be a licensed psychologist or physician who, during the member's term, does not serve the Board as a consultant or in any capacity other than as a member of the Committee. The Court shall designate one attorney as Chair of the Committee and one attorney as Vice Chair. In the absence or disability of the Chair or upon express delegation of authority by the Chair, the Vice Chair shall have the authority and perform the duties of the Chair.

(2) Term

Subject to subsection (a)(4) of this Rule, the term of each member is five years. A member may serve more than one term.

(3) Reimbursement; Compensation

A member is entitled to reimbursement for expenses

reasonably incurred in the performance of official duties in accordance with standard State travel regulations. In addition, the Court may provide compensation for the members.

(4) Removal

The Court of Appeals may remove a member of the Accommodations Review Committee at any time.

(b) Procedure for Appeal

(1) Notice of Appeal

An applicant whose request for a test accommodation pursuant to the ADA is denied in whole or in part by the Board may note an appeal to the Accommodations Review Committee by filing a Notice of Appeal with the Board.

Committee note: It is likely that an appeal may not be resolved before the date of the scheduled bar examination that the applicant has petitioned to take. No applicant "has the right to take a particular bar examination at a particular time, nor to be admitted to the bar at any particular time." *Application of Kimmer*, 392 Md. 251, 272 (2006). After an appeal has been resolved, the applicant may file a timely petition to take a later scheduled bar examination with the accommodation, if any, granted as a result of the appeal process.

(2) Transmittal of Record

Upon receiving a notice of appeal, the Board promptly shall (A) transmit to the Chair of the Accommodations Review Committee a copy of the applicant's request for a test accommodation, all documentation submitted in support of the request, the report of each expert retained by the Board to analyze the applicant's request, and the Board's letter denying the request and (B) ~~mail~~ transmit to the applicant notice of the transmittal and a copy of each report of an expert retained by

the Board.

(3) Hearing

The Chair of the Accommodations Review Committee shall appoint a panel of the Committee, consisting of two attorneys and one non-attorney, to hold a hearing at which the applicant and the Board have the right to present witnesses and documentary evidence and be represented by an attorney. In the interest of justice, the panel may decline to require strict application of the Rules in Title 5, other than those relating to the competency of witnesses. Lawful privileges shall be respected. The hearing shall be recorded verbatim by shorthand, stenotype, mechanical, or electronic audio recording methods, electronic word or text processing methods, or any combination of those methods.

(4) Report

The panel shall (A) file with the Board a report containing its recommendation, the reasons for the recommendation, and findings of fact upon which the recommendation is based, (B) ~~mail~~ transmit a copy of its report to the applicant, and (C) provide a copy of the report to the Chair of the Committee.

(c) Exceptions

Within 30 days after the report of the panel is filed with the Board, the applicant or the Board may file with the Chair of the Committee exceptions to the recommendation and shall ~~mail~~ transmit a copy of the exceptions to the other party. Upon receiving the exceptions, the Chair shall cause to be prepared a

transcript of the proceedings and transmit to the Court of Appeals the record of the proceedings, which shall include the transcript and the exceptions. The Chair shall notify the applicant and the Board of the transmittal to the Court and provide to each party a copy of the transcript.

(d) Proceedings in the Court of Appeals

Proceedings in the Court of Appeals shall be on the record made before the panel. The Court shall require the party who filed exceptions to show cause why the exceptions should not be denied.

(e) If No Exceptions Filed

If no exceptions pursuant to section (c) of this Rule are timely filed, no transcript of the proceedings before the panel shall be prepared, the panel shall transmit its record to the Board, and the Board shall provide the test accommodation, if any, recommended by the panel.

Source: This Rule is derived from former Rule 6.1 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Rule 19-205 is derived from current RGAB 6.1 with style changes. As in other Rules in Chapter 200, "transmit" replaces "mail."

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-206. GENERAL BAR EXAMINATION

(a) Scheduling

The Board shall ~~administer~~ schedule a written general bar examination twice annually, once in February and once in July. The examination shall be ~~held~~ scheduled on two successive days. The total duration of the examination shall be not more than 12 hours nor less than nine hours, unless extended at the applicant's request pursuant to Rules 19-204 and 19-205. At least 30 days before ~~an~~ a scheduled examination, the Board shall ~~publish and have posted~~ post on the Judiciary website notice of the dates, times, and place or places of the examination.

(b) Purpose of Examination

The purpose of the general bar examination is to enable applicants to demonstrate their capacity to achieve mastery of foundational legal doctrines, proficiency in fundamental legal skills, and competence in applying both to solve legal problems consistent with the highest ethical standards. It is the policy of the Court that no quota of successful applicants be set but that each applicant be judged for fitness to be a member of the Bar as demonstrated by the examination answers.

(c) Format and Scope of Examination

The Board shall prepare the examination and may adopt the

MBE and the MPT as part of it. The examination shall include an essay test. The Board shall define by rule the subject matter of the essay test, but the essay test shall include at least one question dealing in whole or in part with professional conduct.

(d) Grading

(1) The Board shall grade the examination and, by rule, shall establish a passing grade for the examination. The Board, by rule, may provide that an applicant may ~~satisfy the MBE part of the Maryland examination requirement by applying a grade on an MBE taken in another state at the same examination~~ adopt in Maryland an MBE score that the applicant achieves in another state in an administration of the MBE that is concurrent with Maryland's administration of the Written Test to that applicant.

(2) At any time before notifying applicants of the results, the Board, in its discretion and in the interest of fairness, may lower, but not raise, the passing grade it has established for any particular administration of the examination.

(e) Voiding of Examination Results for Ineligibility

If an applicant who is determined by the Board not to be eligible under Rule 19-201 takes an examination, the applicant's Notice of Intent to Take a Scheduled General Bar Examination shall be deemed invalid and the applicant's examination results shall be voided. No fees shall be refunded.

Source: This Rule is derived from former Rule 7 of the Rules Governing Admission to the Bar of Maryland (2016). Section (e) is derived from former Rule 6 (e).

REPORTER'S NOTE

Rule 19-206 is derived from current RGAB 7 with style changes, except that section (e) is derived from current RGAB 6 (e). Section (b), Purpose of Examination, is revised in accordance with Recommendation 8 of the Professionalism Center Bar Admission Task Force.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-207. NOTICE OF GRADES AND REVIEW PROCEDURE

(a) Notice of Grades; Alteration

The Board shall ~~send~~ transmit written notice of examination results to each applicant ~~by regular mail, postage prepaid.~~ The Board, by Rule, shall determine the form and method of delivery of the notice of results. Successful applicants shall be notified only that they have passed. Unsuccessful applicants shall be given their grades in the detail the Board considers appropriate. Thereafter, the Board may not alter any applicant's grades except when necessary to correct a clerical error.

(b) Review Procedure

~~On written request filed with the Board within 60 days after the date the examination results are mailed, unsuccessful applicants, in accordance with the procedures prescribed by the Board, may (1) review their essay test answers and the Board's analysis for the essay test, (2) review their MPT answer books, (3) order the National Conference of Bar Examiners' MPT Point Sheet and Grading Guidelines, and (4) upon payment of the required costs, obtain confirmation of their MBE scores. No further review of the MBE shall be permitted. The Board, by Rule, shall establish a procedure by which unsuccessful applicants may obtain their written examination materials and~~

request review of their MBE scores.

Source: This Rule is derived from former Rule 8 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Rule 19-207 is derived from current RGAB 8 with style changes. Section (a) is revised to permit the Board to convert from mailed notice of official results to electronic notice of official results.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-208. RE-EXAMINATION AFTER FAILURE

(a) ~~Petition for Re-examination~~ Notice of Intent to Take Maryland General Bar Examination

An unsuccessful applicant may file a ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination to take another scheduled examination. The ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination shall be on the form prescribed by the Board and shall be accompanied by the required examination fee.

(b) Request for Test Accommodation

An applicant who seeks a test accommodation under the ADA for the bar examination shall ~~file with the Board an "Accommodation Request" on a form prescribed by the Board, together with any supporting documentation that the Board requires. The form and documentation shall be filed no later than the deadline stated in section (c) of this Rule for filing a petition to take a scheduled bar examination~~ indicate that request on the Notice of Intent to Take a Scheduled General Bar Examination and shall file an Accommodation Request pursuant to Rule 19-204 (b).

Committee note: An applicant who may need a test accommodation is encouraged to file an Accommodation Request as early as possible.

Cross reference: See Rule 19-205 for the procedure to appeal a denial of a request for a test accommodation.

(c) Time for Filing

An applicant who intends to take the July examination shall file the ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination, together with the prescribed fee, no later than the preceding May 20. An applicant who intends to take the examination in February shall file the ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination, together with the prescribed fee, no later than the preceding December 20. Upon written request of an applicant and for good cause shown, the Board may accept a ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination filed after that deadline. If the Board rejects the ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination for lack of good cause for the untimeliness, the Board shall transmit written notice of the rejection to the applicant. ~~the~~ The applicant may file an exception with the Court within five business days after notice of the rejection is ~~mailed~~ transmitted.

~~(d) Deferment of Re-examination~~

~~To meet scheduling needs at either the July or the February examination, the Board may require an applicant to defer re-examination for one sitting.~~

~~(e) (d) Three or More Failures -- Re-examination Conditional~~  
Limitation on Attempts

~~If an applicant fails three or more examinations, the~~

~~Board may condition retaking of the examination on the successful completion of specified additional study. An applicant may take no more than six examinations, except that, for good cause shown, the Board may waive this limitation upon such conditions for further study or education as the Board may prescribe. The Board shall establish by Rule a procedure for an applicant to request a waiver.~~

~~(f)~~ (e) No Refunds Withdrawal of Notice of Intent to Take a Scheduled General Bar Examination or Absence from Examination

If an applicant withdraws the ~~petition~~ Notice of Intent to Take a Scheduled General Bar Examination or fails to attend and take the examination, the examination fee shall not be refunded ~~except for good cause shown.~~ The Board may apply the examination fee may not be applied to a subsequent examination ~~unless the applicant is required by the Board to defer retaking the examination or if the applicant~~ establishes good cause for the withdrawal or failure to attend.

Source: This Rule is derived from former Rule 9 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

See the Reporter's note to Rule 19-204. The style of section ~~(f)~~ (e) is conformed to the style of Rule 19-204 ~~(e)~~ (d). Section (c) contains the addition of the "for lack of good cause for the untimeliness" standard that also appears in Rules 19-204 and 19-207. Also in section (c), the time for filing an exception is clarified to read, "within five business days after notice of the rejection is ~~mailed~~ transmitted."

Former section (d), permitting the Board to require applicants to defer the examination for one session due to scheduling constraints, is eliminated as unnecessary.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-209. REPORT TO COURT - ORDER

(a) Report and Recommendations as to Applicants

As soon as practicable after each examination, the Board shall file with the Court a report containing (1) the names of the applicants who successfully completed the bar examination and (2) the Board's recommendation for admission. The Board's recommendation with respect to each applicant shall be conditioned on the outcome of any character proceedings relating to that applicant and satisfaction of the requirement of Rule 19-210.

(b) Order of Ratification

On receipt of the Board's report, the Court shall enter an order fixing a date at least 30 days after the filing of the report for ratification of the Board's recommendations. The order shall include the names of all applicants who are recommended for admission, including those who are conditionally recommended. The order shall state generally that all recommendations are conditioned on character approval and satisfaction of the requirement of Rule 19-210, but shall not identify those applicants as to whom proceedings are still pending. The order shall be posted on the Judiciary website no later than 5 days after the date of the order and remain on the

website until ratification.

(c) Exceptions

Before ratification of the Board's report, any person may file with the Court exceptions relating to any relevant matter. For good cause shown, the Court may permit the filing of exceptions after ratification of the Board's report and before the applicant's admission to the Bar. The Court shall give notice of the filing of exceptions to (1) the applicant, (2) the Board, and (3) the Character Committee that passed on the applicant's application. A hearing on the exceptions shall be held to allow the person filing exceptions, the applicant, the Board, and, if an exception involves an issue of character, the Character Committee to present evidence in support of or in opposition to the exceptions and be heard. The Court may hold the hearing or may refer the exceptions to the Board, the Character Committee, or an examiner for hearing. The Board, Character Committee, or examiner hearing the exceptions shall file with the Court, as soon as practicable after the hearing, a report of the proceedings. The Court may decide the exceptions without further hearing.

(d) Ratification of Board's Report

On expiration of the time fixed in the order entered pursuant to section (b) of this Rule, the Board's report and recommendations shall be ratified subject to the conditions stated in the recommendations and to any exceptions noted under section (c) of this Rule.

## **Rule 19-209**

Source: This Rule is derived from former Rule 10 of the Rules Governing Admission to the Bar of Maryland (2016).

### REPORTER'S NOTE

Rule 19-209 is derived from current Rule RGAB 10 and contains style changes only, except that in section (b), posting on the Judiciary website replaces publication in the Maryland Register.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-210. REQUIRED ORIENTATION PROGRAM

(a) ~~Appointment of Work Group~~ Approval of Program

The Court of Appeals shall ~~appoint a work group of not more than seven individuals to develop and present to the Court for its approval~~ approve an orientation program for effectively informing applicants of certain core requirements, established by Rules of the Court or other law, for engaging in the practice of law in Maryland.

(b) Contents of Program

The program shall include information regarding (1) reporting requirements established by Rules of the Court, (2) obligations to the Client Protection Fund and the Disciplinary Fund established by Rule or statute, (3) Rules governing attorney trust accounts and the handling of client funds and papers, and (4) the Rules of Professional Conduct regarding competence, scope of representation, diligence, communications with clients, fees, confidentiality, conflicts of interest, declining representation, meritorious claims, candor toward tribunals, and law firms.

(c) Timing

The program shall be given at the times and for the periods directed by the Court.

(d) Duration; Materials; Participation from Remote Location

The program shall not exceed three hours in duration. It may include the provision of written materials distributed in a manner determined by the Court but, to the extent practicable, it shall be given in electronic form, so that an applicant may participate from a remote location, subject to appropriate verification of the applicant's actual participation.

(e) Participation Requirement

~~Commencing June 1, 2016, an~~ An applicant may not be admitted to the Bar unless (1) prior to admission, the applicant has produced evidence satisfactory to the Board that the applicant satisfactorily participated in the program, or (2) the applicant has been excused from that requirement by Order of the Court of Appeals.

Committee note: The purpose of the orientation program is to assure that newly admitted attorneys are familiar with core requirements for practicing law in Maryland, the violation of which may result in their authority to practice law being suspended or revoked. The program is not intended to take the place of broader programs on professionalism offered by law schools, bar associations, and other entities, in which the Court of Appeals strongly encourages all attorneys to participate.

Source: This Rule is derived from former Rule 11 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

This Rule carries forward the revisions to RGAB 11 that were adopted effective January 1, 2016, with stylistic changes and the deletion of obsolete provisions.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-211. ORDER OF ADMISSION; TIME LIMITATION

(a) Order of Admission

When the Court has determined that an applicant is qualified to practice law and is of good moral character, it shall enter an order directing that the applicant be admitted to the Bar on taking the oath required by law.

(b) Time Limitation for Taking Oath - Generally

An applicant who has passed the Maryland General Bar examination may not take the oath of admission to the Bar later than 24 months after the date that the Court of Appeals ratified the Board's report for that examination.

(c) Extension

For good cause, the Board may extend the time for taking the oath, but the applicant's failure to take action to satisfy admission requirements does not constitute good cause.

(d) Consequence of Failure to Take Oath Timely

An applicant who fails to take the oath within the required time period and wishes to be admitted shall reapply for admission and retake the bar examination, unless excused by the Court.

Cross reference: See Code, Business Occupations and Professions Article, §10-212, for form of oath.

Source: This Rule is derived from former Rule 12 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

The Rules Committee recommends that the "conditions precedent" be referred to in a separate Rule rather than a cross reference. See proposed new Rule 19-218, *infra*. A stylistic change is made in section (d).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-212. ELIGIBILITY OF OUT-OF-STATE ATTORNEYS FOR  
ADMISSION BY ATTORNEY EXAMINATION

(a) Generally

An individual is eligible for admission to the Bar of this State under this Rule if the individual:

- (1) is a member in good standing of the Bar of a state;
- (2) has passed a written bar examination in a state or is admitted to a state bar by diploma privilege after graduating from a law school accredited by the American Bar Association;
- (3) has the professional experience required by this Rule;
- (4) successfully completes the attorney examination prescribed by Rule 19-213; and
- (5) possesses the good moral character and fitness necessary for the practice of law.

(b) Required Professional Experience

The professional experience required for admission under this Rule shall be on a full time basis as (1) a practitioner of law as provided in section (c) of this Rule; (2) a teacher of law at a law school accredited by the American Bar Association; (3) a judge of a court of record in a state; or (4) a combination thereof.

(c) Practitioner of Law

## Rule 19-212

(1) Subject to subsections (c)(2) and (3) of this Rule, a practitioner of law is an individual who has regularly engaged in the authorized practice of law:

(A) in a state;

(B) as the principal means of earning a livelihood; and

(C) whose professional experience and responsibilities have been sufficient to satisfy the Board that the individual should be admitted under this Rule and Rule 19-213.

(2) As evidence of the requisite professional experience, for purposes of subsection (c)(1)(C) of this Rule, the Board may consider, among other things:

(A) the extent of the individual's experience in the practice of law;

(B) the individual's professional duties and responsibilities, the extent of contacts with and responsibility to clients or other beneficiaries of the individual's professional skills, the extent of professional contacts with practicing attorneys and judges, and the individual's professional reputation among those attorneys and judges; and

(C) any professional articles or treatises that the individual has written.

(3) The Board may consider as the equivalent of practice of law in a state practice outside the United States if the Board concludes that the nature of the practice makes it the functional equivalent of practice within a state.

(d) Duration of Professional Experience

(1) An individual shall have the professional experience required by section (b) of this Rule for (A) a total of ten years, or (B) at least five of the ten years immediately preceding the filing of a petition pursuant to Rule 19-213.

(e) Exceptional Cases

In exceptional cases, the Board may treat an individual's actual experience, although not meeting the literal requirements of subsections (c)(1) or section (d) of this Rule, as the equivalent of the professional experience otherwise required by this Rule.

Source: This Rule is derived from sections (a) through (e) of former Rule 13 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Rule 19-212 is derived from sections (a) through (e) of current Rule 13 of the Rules Governing Admission to the Bar.

Rule 13 (a)(2) contains a provision that an out-of-state attorney who seeks admission to the Maryland Bar may take the attorney examination, rather than the ~~regular~~ general bar examination, if the individual has passed a written bar examination in another state. Some attorneys from Wisconsin who wish to be admitted to the Maryland Bar contend that this provision discriminates against them because, in Wisconsin, an individual who has graduated from an A.B.A.-accredited law school in that state may be admitted to the Wisconsin Bar under "diploma privilege," without taking a written bar examination. The State Board of Law Examiners has considered this matter and has approved the proposed addition of language to Rule 19-212 to allow out-of-state attorneys who have graduated from an A.B.A.-accredited law school and were admitted to the Bar of another state pursuant to "diploma privilege" in that state to be eligible to take the attorneys examination, rather than the regular bar examination.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-213. ADMISSION OF OUT-OF-STATE ATTORNEYS BY ATTORNEY  
~~EXAM~~ EXAMINATION - PROCEDURE

(a) Petition

(1) An individual eligible pursuant to Rule 19-212 shall file with the Board a petition under oath on a form prescribed by the Board, accompanied by the fees required by the Board and the costs assessed for the character and fitness investigation and report by the National Conference of Bar Examiners.

(2) The petitioner shall list (A) each state in which the petitioner has been admitted to the Bar and whether each admission was by examination, by diploma privilege or on motion; and (B) the additional facts showing that the petitioner meets the requirements of section (a) of Rule 19-212 or should be qualified under section (e) of Rule 19-212.

(3) The petitioner shall file with the petition the supporting data required by the Board as to the petitioner's professional experience, character, and fitness to practice law.

(4) The petitioner shall be under a continuing obligation to report to the Board any material change in information previously furnished.

(b) Request for Test Accommodation

A petitioner who seeks a test accommodation under the ADA

for the attorney examination shall file with the Board an "Accommodation Request" on a form prescribed by the Board, together with any supporting documentation that the Board requires. The form and documentation shall be filed no later than the deadline stated in section (d) of this Rule for filing a petition to take a scheduled attorney examination.

Committee note: A petitioner who may need a test accommodation is encouraged to file an Accommodation Request as early as possible.

Cross reference: See Rule 19-205 for the procedure to appeal a denial of a request for a test accommodation.

~~(c)~~ Refunds

~~If the Board determines on the face of the petition that the petitioner is not qualified to sit for the attorney's examination and the petitioner elects to withdraw the petition without further proceedings, all fees shall be refunded. If, in other circumstances, a petitioner withdraws the petition or fails to attend and take the examination without permission from the Board, no fees shall be refunded and the examination fee may not be applied to a subsequent examination unless the petitioner establishes good cause for the withdrawal or failure to attend.~~

~~(d)~~ (c) Time for Filing

The petition shall be filed at least 60 days before the scheduled attorney examination that the petitioner wishes to take. On written request of the petitioner and for good cause shown, the Board may accept a petition filed after the deadline. If the Board rejects the petition for lack of good cause for the

untimeliness, the petitioner may file an exception with the Court within five business days after notice of the rejection is ~~mailed~~ transmitted.

Cross reference: See Board Rule 2.

(d) Preliminary Determination of Eligibility

Upon receipt of a petition, required supporting documentation, and all applicable fees, the Board shall determine whether, on the face of the petition, the petitioner is qualified to apply for admission pursuant to Rules 19-212 and 19-213.

(i) If the petitioner is qualified, the Board shall deposit the fees, seat the petitioner for the attorney exam, and begin the character investigation.

(ii) If the Board determines that, on the face of the petition, the petitioner is not qualified, it shall promptly transmit written notice to the Petitioner of the basis for the determination. If the petitioner takes exception to the Board's preliminary determination or seeks determination as an exceptional case pursuant to Rule 19-212 (e), the petitioner shall transmit written notice to the Board of the exception within five business days of the date the Board transmits notice of the preliminary determination. Upon receipt of an exception, the Board shall deposit the fees, seat the petitioner for the attorney examination, and begin the character investigation.

(e) Return of Fees; Deferral of Examination Fee

If the Board determines on the face of the petition that the petitioner is not qualified to sit for the attorney's

examination and the petitioner does not file any exception to the preliminary determination of eligibility, all fees shall be returned undeposited. If, in other circumstances, a petitioner withdraws the petition, no fees shall be refunded. If a petitioner fails to attend and take the attorney examination with or without prior notice, the Board may apply the examination fee to a subsequent examination if the petitioner shows good cause for the withdrawal or failure to attend.

~~(e)~~ (f) Standard for Admission and Burden of Proof

(1) The petitioner bears the burden of proving to the Board and the Court that the petitioner is qualified on the basis of professional experience and possesses the good moral character and fitness necessary to practice law in this State.

(2) If the petitioner does not meet the burden of proof, the Board shall recommend ~~rejection~~ denial of the petition. Failure or refusal to answer fully and candidly any relevant ~~questions asked by~~ question in the NCBE character questionnaire or asked by the Board, either orally or in writing, or to provide relevant documentation is sufficient cause for ~~rejection~~ the Board to recommend denial of the petition.

~~(f)~~ (g) Action by Board on Petition

The Board shall investigate the matters set forth in the petition.

(1) If the petitioner has passed the attorney examination and the Board decides finds that the ~~petition should be accepted~~ petitioner has met the burden of proof, it shall ~~mail to~~ transmit

written notice to the petitioner ~~notice~~ of its decision to recommend ~~acceptance~~ approval of the petition.

(2) If the Board concludes that there may be grounds for ~~rejecting~~ recommending denial of the petition, the Board shall ~~notify~~ transmit written notice to the petitioner and shall afford the petitioner an opportunity for a hearing. The hearing shall not be held until after the National Conference of Bar Examiners completes its investigation of the petitioner's character and fitness to practice law and reports to the Board. The petitioner may be represented by an attorney at the hearing. Promptly after the Board makes its final decision to recommend ~~acceptance~~ approval or ~~rejection~~ denial of the petition, the Board shall ~~mail~~ transmit written notice of its decision to the petitioner.

(3) If the Board decides to recommend ~~rejection~~ denial of the petition, it shall file with the Court a report of its decision and all papers relating to the matter.

~~(g)~~ (h) Exceptions

Within 30 days after the Board ~~mails~~ transmit written notice of its adverse decision to the petitioner, the petitioner may file with the Court exceptions to the Board's decision. The petitioner shall mail or deliver to the Board a copy of the exceptions. The Court may hear the exceptions or may appoint an examiner to hear the evidence and shall afford the Board an opportunity to be heard on the exceptions.

~~(h)~~ (i) Attorney Examination

In order to be admitted to the Maryland Bar, the

petitioner shall pass an attorney examination prescribed by the Board. The Board, by rule, shall define the subject matter of the examination, prepare the examination, and establish the passing grade. The Board shall administer the attorney examination on a date and at a time ~~during~~ coinciding with the administration of the ~~regular~~ general bar examination pursuant to Rule 19-206 and shall ~~publish~~ post on the Judiciary's website at least 30 days in advance notice of the date and time of the examination. The Board shall grade the examination and shall ~~send~~ transmit written notice of examination results to each petitioner ~~by first-class mail~~. The Board, by Rule, shall determine the form and method of delivery of the notice of results. Successful petitioners shall be notified only that they have passed. Unsuccessful petitioners shall be given their grades in the detail the Board considers appropriate. Thereafter, the Board may not alter any petitioner's grades except to correct a clerical error. Review by unsuccessful petitioners shall be in accordance with the provisions of Rule 19-207 (b).

~~(i)~~ (j) Re-examination

In the event of failure on the first attorney examination, a petitioner may file a petition to retake the examination, but a petitioner may not be admitted under this Rule after failing four attorney examinations. A petition for re-examination shall be accompanied by the required fees. Failure to pass the attorney examination shall not preclude any individual from ~~taking the~~

regular applying and being admitted under the rules pertaining to the general bar examination and number of attempts shall not be counted against the limitation in Rule 19-208 (e).

~~(j)~~ (k) Report to Court - Order

The Board shall file a report and recommendations pursuant to Rule 19-209. Proceedings on the report, including the disposition of any exceptions filed, shall be as prescribed in that Rule. If the Court determines that the petitioner has met all the requirements of this Rule, it shall enter an order directing that the petitioner be admitted to the Bar of Maryland on taking the oath required by law.

~~(k)~~ (l) Required Orientation Program

A petitioner recommended for admission pursuant to section (j) of this Rule shall comply with Rule 19-210.

~~(l)~~ (m) Time Limitation for Admission to the Bar

A petitioner under this Rule is subject to the time limitation of Rule 19-211.

Cross reference: See Code, Business Occupations and Professions Article, §10-212, for the form of oath.

Source: This Rule is derived from sections (f) through (q) of former Rule 13 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Rule 19-213 is derived from sections (f) through (q) of current RGAB 13 with style changes. Section ~~(d)~~ (c) contains the addition of the same standard that was added to Rules 19-204 and 19-208 for the Board to reject a petition to take the attorney examination. Also in section ~~(d)~~ (c), the time for filing an exception is clarified to read, "within five business days after notice of the rejection is ~~mailed~~ transmitted." Sections (d) and (e) provide for a preliminary determination of eligibility and,

## Rule 19-213

under certain circumstances, a return of the application fee or permission to apply the fee to a subsequent examination. In section ~~(h)~~ (i), a sentence is added to conform to parallel procedures for the general bar examination contained in Rule 19-207 (a). In section ~~(k)~~ (l), a required orientation program replaces the previously required course on professionalism.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-214. SPECIAL ADMISSION OF OUT-OF-STATE ATTORNEYS PRO HAC VICE

(a) Motion for Special Admission

(1) Generally

A member of the Bar of this State who (A) is an attorney of record in an action pending (i) in any court of this State, or (ii) before an administrative agency of this State or any of its political subdivisions, or (B) is representing a client in an arbitration taking place in this State that involves the application of Maryland law, may move that an attorney who is a member in good standing of the Bar of another state be admitted to practice in this State for the limited purpose of appearing and participating in the action as co-counsel with the movant.

Committee note: "Special admission" is a term equivalent to "admission pro hac vice." It should not be confused with "special authorization" permitted by Rules 19-215 and 19-216.

(2) Where Filed

(A) If the action is pending in a court, the motion shall be filed in that court.

(B) If the action is pending before an administrative agency, the motion shall be filed in the circuit court for the county in which the principal office of the agency is located or in any other circuit court in which an action for judicial review

of the decision of the agency may be filed.

(C) If the matter is pending before an arbitrator or arbitration panel, the motion shall be filed in the circuit court for the county in which the arbitration hearing is to be held or in any other circuit court in which an action to review an arbitral award entered by the arbitrator or panel may be filed.

**(3) Other Requirements**

The motion shall be in writing and shall include the movant's certification that copies of the motion have been served on the agency or the arbitrator or arbitration panel, and all parties of record.

Cross reference: See Appendix 19-A following Title 19, Chapter 200 of these Rules for Forms 19-A.1 and 19-A.2, providing the form of a motion and order for the Special Admission of an out-of-state attorney.

**(b) Certification by Out-of-State Attorney**

The attorney whose special admission is moved shall certify in writing the number of times the attorney has been specially admitted during the twelve months immediately preceding the filing of the motion. The certification may be filed as a separate paper or may be included in the motion under an appropriate heading.

**(c) Order**

The court by order may admit specially or deny the special admission of an attorney. In either case, the clerk shall forward a copy of the order to the State Court Administrator, who shall maintain a docket of all attorneys granted or denied

special admission. When the order grants or denies the special admission of an attorney in an action pending before an administrative agency, the clerk also shall forward a copy of the order to the agency.

(d) Limitations on Out-of-State Attorney's Practice

An attorney specially admitted pursuant to this Rule may act only as co-counsel for a party represented by an attorney of record in the action who is admitted to practice in this State. The specially admitted attorney may participate in the court or administrative proceedings only when accompanied by the Maryland attorney, unless the latter's presence is waived by the judge or administrative hearing officer presiding over the action. An attorney specially admitted is subject to the Maryland Attorneys' Rules of Professional Conduct during the pendency of the action or arbitration.

Cross reference: See Code, Business Occupations and Professions Article, §10-215.

Committee note: This Rule is not intended to permit extensive or systematic practice by attorneys not admitted in Maryland. Because specialized expertise or other special circumstances may be important in a particular case, however, the Committee has not recommended a numerical limitation on the number of special admissions to be allowed any out-of-state attorney.

Source: This Rule is derived from former Rule 14 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Rule 19-214 contains style changes and a new Committee note after subsection (a)(1), which clarifies the term "admission pro hac vice." Part of the cross reference after subsection (a)(3) has been deleted as superfluous. The Committee note at the end of the Rule has been shortened by deleting superfluous language.

## **Rule 19-214**

Forms RGAB-14/M and RGAB-14/O, providing the form of a motion and order for the Special Admission of an out-of-state attorney under Rule 19-214 are renumbered Form 19-A.1 and Form 19-A.2, respectively, and placed in an appendix to Chapter 200 of Title 19 (Appendix 19-A: Forms for Special Admission of Out-of-State Attorney).

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-215. SPECIAL AUTHORIZATION FOR OUT-OF-STATE  
ATTORNEYS AFFILIATED WITH PROGRAMS PROVIDING LEGAL SERVICES TO  
LOW-INCOME INDIVIDUALS

(a) Definition

As used in this Rule, "legal services program" means a program operated by (1) an entity that provides civil legal services to low-income individuals in Maryland who meet the financial eligibility requirements of the Maryland Legal Services Corporation and is on a list of such programs provided by the Corporation to the State Court Administrator and posted on the Judiciary website pursuant to Rule 19-505; (2) the Maryland Office of the Public Defender; (3) a clinic offering pro bono legal services and operating in a courthouse facility; or (4) a local pro bono committee or bar association affiliated project that provides pro bono legal services.

(b) Eligibility

Pursuant to this Rule, a member of the Bar of another state who is employed by or associated with a legal services program may practice in this State pursuant to that program if (1) the individual is a graduate of a law school meeting the requirements of Rule 19-201 (a)(2) and (2) the individual will practice under the supervision of a member of the Bar of this

State.

Cross reference: For the definition of "State," see Rule 19-101 ~~(i)~~ (k).

(c) Proof of Eligibility

To obtain authorization to practice under this Rule, the out-of-state attorney shall file with the Clerk of the Court of Appeals a written request accompanied by (1) evidence of graduation from a law school as defined in Rule 19-201 (a) (2), (2) a certificate of the highest court of another state certifying that the attorney is a member in good standing of the Bar of that state, and (3) a statement signed by the Executive Director of the legal services program that includes (A) a certification that the attorney is currently employed by or associated with the program, (B) a statement as to whether the attorney is receiving any compensation other than reimbursement of reasonable and necessary expenses, and (C) an agreement that, within ten days after cessation of the attorney's employment or association, the Executive Director will file the Notice required by section (e) of this Rule.

(d) Certificate of Authorization to Practice

Upon the filing of the proof of eligibility required by this Rule, the Clerk of the Court of Appeals shall issue a certificate under the seal of the Court certifying that the attorney is authorized to practice under this Rule, subject to the automatic termination provision of section (e) of this Rule. The certificate shall state (1) the effective date, (2) whether

the attorney (A) is authorized to receive compensation for the practice of law under this Rule or (B) is authorized to practice exclusively as a pro bono attorney pursuant to Rule 19-504, and (3) any expiration date of the special authorization to practice. If the attorney is receiving compensation for the practice of law under this Rule, the expiration date shall be no later than two years after the effective date. If the attorney is receiving no compensation other than reimbursement of reasonable and necessary expenses, no expiration date shall be stated.

Cross reference: An attorney who intends to practice law in Maryland for compensation for more than two years should apply for admission to the Maryland Bar.

(e) Automatic Termination

Authorization to practice under this Rule is automatically terminated if the attorney ceases to be employed by or associated with the legal services program. Within ten days after cessation of the attorney's employment or association, the Executive Director of the legal services program shall file with the Clerk of the Court of Appeals notice of the termination of authorization.

(f) Disciplinary Proceedings in Another Jurisdiction

Promptly upon the filing of a disciplinary proceeding in another jurisdiction, an attorney authorized to practice under this Rule shall notify the Executive Director of the legal services program of the disciplinary matter. An attorney authorized to practice under this Rule who in another jurisdiction (1) is disbarred, suspended, or otherwise

disciplined, (2) resigns from the bar while disciplinary or remedial action is threatened or pending in that jurisdiction, or (3) is placed on inactive status based on incapacity shall inform Bar Counsel and the Clerk of the Court of Appeals promptly of the discipline, resignation, or inactive status.

(g) Revocation or Suspension

At any time, the Court, in its discretion, may revoke or suspend an attorney's authorization to practice under this Rule by written notice to the attorney. By amendment or deletion of this Rule, the Court may modify, suspend, or revoke the special authorizations of all out-of-state attorneys issued pursuant to this Rule.

(h) Special Authorization not Admission

Out-of-state attorneys authorized to practice under this Rule are not, and shall not represent themselves to be, members of the Bar of this State, except in connection with practice that is authorized under this Rule. They are required to make payments to the Client Protection Fund of the Bar of Maryland and the Disciplinary Fund, except that an attorney who is receiving no compensation other than reimbursement of reasonable and necessary expenses is not required to make the payments.

(i) Rules of Professional Conduct

An attorney authorized to practice under this Rule is subject to the Maryland Attorneys' Rules of Professional Conduct.

(j) Reports

Upon request by the Administrative Office of the Courts,

## **Rule 19-215**

an attorney authorized to practice under this Rule shall timely file an IOLTA Compliance Report in accordance with Rule 19-409 and a Pro Bono Legal Service Report in accordance with Rule 19-503.

Source: This Rule is derived from former Rule 15 of the Rules Governing Admission to the Bar of Maryland (2016).

### REPORTER'S NOTE

Rule 19-215 carries forward the provisions of current RGAB 15.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-216. SPECIAL AUTHORIZATION FOR MILITARY SPOUSE  
ATTORNEYS

(a) Definition

As used in this Rule, a "military spouse attorney" means an (1) attorney admitted to practice in another state but not admitted in this State, (2) is married to an active duty service member of the United States Armed Forces and (3) resides in the State of Maryland due to the service member's military orders for a permanent change of station to Maryland or a state contiguous to Maryland.

Cross reference: For the definition of "State," see Rule 19-101 ~~(i)~~ (k).

(b) Eligibility

Subject to the conditions of this Rule, a military spouse attorney may practice in this State if the individual:

(1) is a graduate of a law school meeting the requirements of Rule 19-201 (a) (2);

(2) is a member in good standing of the Bar of another state;

(3) will practice under the direct supervision of a member of the Bar of this State;

(4) has not taken and failed the Maryland Bar examination or attorney examination;

(5) has not had an application for admission to the Maryland Bar or the Bar of any state denied on character or fitness grounds;

(6) certifies that the individual will comply with the requirements of Rule 19-605; and

(7) certifies that the individual has read and is familiar with the Maryland Rules of civil and criminal procedure, the Maryland Rules of Evidence, and the Maryland Attorneys' Rules of Professional Conduct, as well as the Maryland laws and Rules relating to any particular area of law in which the individual intends to practice.

Cross reference: See Rule 19-305.1 (5.1) for the responsibilities of a supervising attorney.

(c) Proof of Eligibility

To obtain authorization to practice under this Rule, the military spouse attorney shall file with the Clerk of the Court of Appeals a written request accompanied by:

(1) evidence of graduation from a law school meeting the requirements of Rule 19-201 (a) (2);

(2) a list of states where the military spouse attorney is admitted to practice, together with a certificate of the highest court of each such state certifying that the attorney is a member in good standing of the Bar of that state;

(3) a copy of the servicemember's military orders reflecting a permanent change of station to a military installation in Maryland or a state contiguous to Maryland;

(4) ~~a copy of a military identification card that lists~~  
certificate from or on behalf of the Department of Defense or a  
unit thereof acceptable to the Clerk of the Court of Appeals  
attesting that the military spouse attorney ~~as~~ is the spouse of  
the servicemember;

(5) a statement signed by the military spouse attorney  
certifying that the military spouse attorney:

(A) resides in Maryland;

(B) has not taken and failed the Maryland Bar examination  
or attorney examination;

(C) has not had an application for admission to the  
Maryland Bar or the Bar of any state denied on character or  
fitness grounds;

(D) will comply with the requirements of Rule 19-605; and

(E) has read and is familiar with the Maryland Rules of  
civil and criminal procedure, the Maryland Rules of Evidence, and  
the Maryland Attorneys' Rules of Professional Conduct, as well as  
the Maryland law and Rules relating to any particular area of law  
in which the individual intends to practice; and

(6) a statement signed by the supervising attorney that  
includes a certification that (A) the military spouse attorney is  
or will be employed by or associated with the supervising  
attorney's law firm or the agency or organization that employs  
the supervising attorney, and (B) an agreement that within ten  
days after cessation of the military spouse attorney's employment  
or association, the supervising attorney will file the notice

required by section (e) of this Rule and that the supervising attorney will be prepared, if necessary, to assume responsibility for open client matters that the individual no longer will be authorized to handle.

(d) Certificate of Authorization to Practice

Upon the filing of the proof of eligibility required by this Rule, the Clerk of the Court of Appeals shall issue a certificate under the seal of the Court certifying that the attorney is authorized to practice under this Rule for a period not to exceed two years, subject to the automatic termination provisions of section (e) of this Rule. The certificate shall state the effective date and the expiration date of the special authorization to practice.

(e) Automatic Termination

(1) Cessation of Employment

Authorization to practice under this Rule is automatically terminated upon the earlier of (A) the expiration of two years from the issuance of the certificate of authorization, or (B) the expiration of ten days after the cessation of the military spouse attorney's employment by or association with the supervising attorney's law firm or the agency or organization that employs the supervising attorney unless, within the ten day period, the military spouse attorney files with the Clerk of the Court of Appeals a statement signed by another supervising attorney who is a member of the Bar of this State in compliance with subsection (c)(6) of this Rule.

Within ten days after cessation of the military spouse attorney's employment or association, the supervising attorney shall file with the Clerk of the Court of Appeals notice of the termination of authorization.

(2) Change in Status

A military spouse attorney's authorization to practice law under this Rule automatically terminates 30 days after (A) the servicemember spouse is no longer a member of the United States Armed Forces, (B) the servicemember and the military spouse attorney are divorced or their marriage is annulled, or (C) the servicemember receives a permanent transfer outside Maryland or a state contiguous to Maryland, except that a servicemember's assignment to an unaccompanied or remote assignment does not automatically terminate the military spouse attorney's authorization, provided that the military spouse attorney continues to reside in Maryland. The military spouse attorney promptly shall notify the Clerk of the Court of Appeals of any change in status that pursuant to this subsection terminates the military spouse attorney's authorization to practice in Maryland.

Committee note: A military spouse attorney who intends to practice law in Maryland for more than two years should apply for admission to the Maryland Bar. The bar examination process may be commenced and completed while the military spouse attorney is practicing under this Rule.

(f) Disciplinary Proceedings in Another Jurisdiction

Promptly upon the filing of a disciplinary proceeding in another jurisdiction, a military spouse attorney shall notify the

supervising attorney of the disciplinary matter. A military spouse attorney who in another jurisdiction (1) is disbarred, suspended, or otherwise disciplined, (2) resigns from the bar while disciplinary or remedial action is threatened or pending in that jurisdiction, or (3) is placed on inactive status based on incapacity shall inform Bar Counsel and the Clerk of the Court of Appeals promptly of the discipline, resignation, or inactive status.

(g) Revocation or Suspension

At any time, the Court, in its discretion, may revoke or suspend a military spouse attorney's authorization to practice under this Rule by written notice to the attorney. By amendment or deletion of this Rule, the Court may modify, suspend, or revoke the special authorizations of all military spouse attorneys issued pursuant to this Rule.

(h) Special Authorization not Admission

Military spouse attorneys authorized to practice under this Rule are not, and shall not represent themselves to be, members of the Bar of this State.

(i) Rules of Professional Conduct; Required Payments

A military spouse attorney authorized to practice under this Rule is subject to the Maryland Attorneys' Rules of Professional Conduct and is required to make payments to the Client Protection Fund of the Bar of Maryland and the Disciplinary Fund.

(j) Reports

## **Rule 19-216**

Upon request by the Administrative Office of the Courts, a military spouse attorney authorized to practice under this Rule shall timely file an IOLTA Compliance Report in accordance with Rule 19-409 and a Pro Bono Legal Service Report in accordance with Rule 19-503.

Source: This Rule is derived from former Rule 15.1 of the Rules Governing Admission to the Bar of Maryland (2016).

### REPORTER'S NOTE

Rule 19-216 carries forward the provisions of current RGAB 15.1, except that subsection (c)(4) is revised to comply with a federal prohibition against photocopying military identification cards.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-217. LEGAL ASSISTANCE BY LAW STUDENTS

(a) Definitions

As used in this Rule, the following terms have the following meanings:

(1) Law School

"Law school" means a law school that meets the requirements of Rule 19-201 (a) (2).

(2) Clinical Program

"Clinical program" means a law school program for credit in which a student obtains experience in the operation of the legal system by engaging in the practice of law that (A) is under the direction of a faculty member of the school and (B) has been approved by the Section Council of the Section of Legal Education and Admission to the Bar of the Maryland State Bar Association, Inc.

(3) Externship

"Externship" means a field placement for credit in a government or not-for-profit organization in which a law student obtains experience in the operation of the legal system by engaging in the practice of law, that (A) is under the direction of a faculty member of a law school, (B) is in compliance with the applicable American Bar Association standard for study

outside the classroom, (C) has been approved by the Section Council of the Section of Legal Education and Admission to the Bar of Maryland State Bar Association, Inc., and (D) is not part of a clinical program of a law school.

(4) Supervising Attorney

"Supervising attorney" means an attorney who is a member in good standing of the Bar of this State and whose service as a supervising attorney for the clinical program or externship is approved by the dean of the law school in which the law student is enrolled or by the dean's designee.

(b) Eligibility

A law student enrolled in a clinical program or externship is eligible to engage in the practice of law as provided in this Rule if the student:

(1) is enrolled in a law school;

(2) has read and is familiar with the Maryland Attorneys' Rules of Professional Conduct and the relevant Maryland Rules of Procedure; and

(3) has been certified in accordance with section (c) of this Rule.

(c) Certification

(1) Contents and Filing

The dean of the law school shall file the certification of a student with the Clerk of the Court of Appeals. The certification shall state that the student is in good academic standing and has successfully completed legal studies in the law

school amounting to the equivalent of at least one-third of the total credit hours required to complete the law school program. It also shall state its effective date and expiration date, which shall be no later than one year after the effective date.

(2) Withdrawal or Suspension

The dean may withdraw the certification at any time by mailing a notice to that effect to the Clerk of the Court of Appeals. The certification shall be suspended automatically upon the issuance of an unfavorable report of the Character Committee made in connection with the student's application for admission to the Bar. Upon any reversal of the unfavorable report, the certification shall be reinstated.

(d) Practice

In connection with a clinical program or externship, a law student for whom a certification is in effect may appear in any trial court or the Court of Special Appeals, or before any administrative agency, and may otherwise engage in the practice of law in Maryland, provided that the supervising attorney (1) is satisfied that the student is competent to perform the duties assigned, (2) assumes responsibility for the quality of the student's work, (3) directs and assists the student to the extent necessary, in the supervising attorney's professional judgment, to ensure that the student's participation is effective on behalf of the client the student represents, and (4) accompanies the student when the student appears in court or before an administrative agency. The law student shall neither ask for nor

## **Rule 19-217**

receive personal compensation of any kind for service rendered under this Rule, but may receive academic credit pursuant to the clinical program or externship.

Source: This Rule is derived from former Rule 16 of the Rules Governing Admission to the Bar of Maryland (2016).

### REPORTER'S NOTE

Rule 19-217 is derived from current RGAB 16 and contains style changes. At the request of the Maryland State Bar Association's Section Council for Legal Education and Admission to the Bar, the Rule is made applicable to "externships" in addition to "clinical programs."

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-218. ADDITIONAL CONDITIONS PRECEDENT TO THE PRACTICE OF  
LAW

Maryland Rule 19-605 (Obligations of Attorneys) and Maryland Rule 19-705 (Disciplinary Fund) require individuals admitted to the Maryland Bar, as a condition precedent to the practice of law in this State, to pay an annual assessment to the Client Protection Fund of the Bar of Maryland and the Attorney Grievance Commission Disciplinary Fund. Except as otherwise provided in Rule 19-215 (h), out-of-state attorneys specially authorized to practice pursuant to Rule 19-215 and military spouse attorneys specially authorized to practice pursuant to Rule 19-216 also shall pay the annual assessments required by Rules 19-605 and 19-705.

Source: This Rule is new but is derived from the cross reference to former Rule 12 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

The language added to Rule 19-218 is the substance of the language of the cross reference to current RGAB 12 with the addition of specific references to "specially authorized" out-of-state attorneys and military spouse attorneys.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

Rule 19-219. SUSPENSION OR REVOCATION OF ADMISSION

If an attorney admitted to the Bar of this State is discovered to have been ineligible for admission under circumstances that do not warrant disbarment or other disciplinary proceedings, the Court of Appeals, upon a recommendation by the Board and after notice and opportunity to be heard, may suspend or revoke the attorney's admission. In the case of a suspension, the Court shall specify in its order the duration of the suspension and the conditions upon which the suspension may be lifted.

Source: This Rule is derived from former Rule 21 of the Rules Governing Admission to the Bar of Maryland (2016).

REPORTER'S NOTE

Rule 19-219 is derived from current RGAB 21 with style changes.

## **MARYLAND RULES OF PROCEDURE**

### **RULES OF THE BOARD**

#### **Board Rule 1. APPLICATION FEES**

- (a) General Bar Examination
- (b) Out-of-State Attorney Examination

#### **Board Rule 2. FILING LATE FOR GOOD CAUSE**

#### **Board Rule 3. TEST ACCOMMODATIONS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT**

- (a) Policy
- (b) Requesting Test Accommodations
- (c) Review by Board
  - (1) Initial Review for Sufficiency
  - (2) Board Determination
- (d) Appeal to the Accommodations Review Committee

#### **Board Rule 4. EXAMINATION - SUBJECT MATTER**

#### **Board Rule 5. EXAMINATION FORMAT, SCORING, AND PASSING STANDARD**

- (a) Authority
- (b) Multistate Bar Examination (MBE)
- (c) Written Test: Board's Essay Test and the Multistate
- (d) Combining MBE and Essay Test Scores to Calculate Total Examination Score
- (e) Passing Standard
- (f) No Carryover of MBE Score or Essay Score from Prior Examinations
- (g) Recognition of MBE Score Achieved Concurrently in Another State
- (h) Adjustment of Passing Standard

#### **Board Rule 6. OUT-OF-STATE ATTORNEY EXAMINATION**

- (a) Subject Matter
- (b) Time - Duration
- (c) Requirement for Passing

Board Rule 7. ELIGIBILITY TO TAKE THE MARYLAND GENERAL  
BAR EXAMINATION PURSUANT TO RULE 19-201 (b) (2)

Board Rule 8. REQUESTING REVIEW OF WRITTEN EXAMINATION MATERIALS  
AND REVIEW OF MBE SCORES

MARYLAND RULES OF PROCEDURE

RULES OF THE BOARD

Board Rule 1. APPLICATION FEES

(a) General Bar Examination

(1) An application filed pursuant to Rule 19-202 shall be accompanied by a ~~check or money order payable to the State Board of Law Examiners~~ fee in the amount of: \$225 if filed by the preceding January 15 for a July examination or by the preceding September 15 for a February examination, otherwise, \$275.

(2) An updated application filed pursuant to Rule 19-202 (e) shall be accompanied by a ~~check or money order payable to the State Board of Law Examiners in the amount~~ fee of \$70.

(3) A ~~petition~~ Notice of Intent to take a scheduled bar examination Take a Scheduled Maryland General Bar Examination pursuant to Rule 19-204 or Rule 19-208 shall be accompanied by a ~~check or money order in the amount~~ fee of \$250.

(b) Out-of-State Attorney Examination

(1) A petition filed pursuant to Rule ~~19-212~~ 19-213 shall be accompanied by a ~~check or money order payable to the State Board of Law Examiners in the amount~~ fee of \$700 and a separate check, money order, or credit card authorization ~~for~~ payable to the National Conference of Bar Examiners in the amount required to cover the cost of the character and fitness investigation and report.

(2) A petition for re-examination filed pursuant to Rule 19-

## Board Rule 1

213 shall be accompanied by a ~~check or money order payable to the State Board of Law Examiners in the amount~~ fee of \$250.

### REPORTER'S NOTE

Board Rule 1 contains style changes. With the elimination of a dual filing deadline in Rule 19-202, the filing fee provision in section (a) of Board Rule 1 is changed to a single sum. Subsection (a)(2) is new. Section (c) has been deleted as unnecessary.

References to a check or money order are deleted in anticipation of accepting credit cards in the near future.

MARYLAND RULES OF PROCEDURE

RULES OF THE BOARD

Board Rule 2. FILING LATE FOR GOOD CAUSE

An applicant's written request for acceptance of an application or petition filed late for good cause pursuant to Rule 19-202 ~~(c)(3)~~ (c)(2), Rule 19-204, or Rule 19-213 (d) shall include a statement indicating:

(a) whether the applicant's failure to timely file was due to facts and circumstances beyond the applicant's control, and stating those facts and circumstances;

(b) whether the applicant presently has a bar application pending in any other state;

(c) whether the applicant presently is a member of the Bar of any other state; and

(d) the specific nature of the hardship that would result if the applicant's request is denied.

REPORTER'S NOTE

Board Rule 2 contains style changes only.

MARYLAND RULES OF PROCEDURE

RULES OF THE BOARD

Board Rule 3. TEST ACCOMMODATIONS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT

(a) Policy

In accordance with the ADA, the Board shall provide test accommodations to an ~~applicant~~ individual taking the Maryland General Bar examination or the attorney examination, to the extent that such accommodations are reasonable, consistent with the nature and purpose of the examination and necessitated by the applicant's disability.

(b) Requesting Test Accommodations

An individual shall ~~be an applicant~~ apply for admission to the Bar of Maryland prior to or contemporaneously with requesting test accommodations. In order to request test accommodations, an ~~applicant~~ individual shall file a completed Applicant's Accommodations Request Form along with the specified supporting documentation. The Applicant's Accommodations Request Form shall be filed not later than the deadline for filing ~~the petition to sit for the bar examination~~ a Notice of Intent to Take a Scheduled General Bar Examination or a petition to retake the attorney examination pursuant to Rules 19-204, 19-208, or 19-213.

(c) Review by Board

(1) Initial Review for Sufficiency

The Board's staff shall conduct an initial review of a

### **Board Rule 3**

request for test accommodations. The Board's staff shall reject a request if the request fails to adequately specify the test accommodations required or if the supporting documentation is substantially incomplete or is otherwise deficient. If the request is rejected, the Board's staff shall advise the applicant in writing of the deficiencies in the request and supporting documents.

#### **(2) Board Determination**

If there is uncertainty about whether the requested test accommodation is warranted pursuant to the ADA, the applicant's request and all supporting documentation may be referred to a qualified expert retained by the Board to review and analyze whether the applicant has documented a disability and requested a reasonable accommodation. Thereafter, a designated member of the Board shall determine whether test accommodations should be granted after examining the applicant's request and the report of the Board's expert. The Board's staff shall advise the applicant in writing whether the request for test accommodations is granted or denied in whole or in part.

#### **(d) Appeal to the Accommodations Review Committee**

If the Board denies a request for test accommodations in whole or in part, the applicant may file an appeal with the Accommodations Review Committee pursuant to Rule 19-205.

#### **REPORTER'S NOTE**

Board Rule 3 contains only stylistic changes.

MARYLAND RULES OF PROCEDURE

RULES OF THE BOARD

Board Rule 4. EXAMINATION - SUBJECT MATTER

Pursuant to section (c) of Rule 19-206, the subject matter of the Board's essay test is defined as follows:

AGENCY

The law of agency shall be included on the examination only to the extent provided in the definitions of Business Associations, Contracts and Torts.

BUSINESS ASSOCIATIONS

The legal principles pertaining to forming, organizing, operating and dissolving business entities in Maryland and related principles of agency. The business entities include: (a) corporations, (b) close corporations, (c) limited liability companies, (d) professional service corporations, (e) general, limited, and limited liability partnerships, (f) joint ventures, (g) unincorporated associations, and (h) sole proprietorships. The subject also includes: (a) the rights, powers, duties and liabilities of owners, partners, member, shareholders, managers, directors, officers, (b) the issuance of shares or other ownership interests in business entities, (c) the distribution of dividends and assets, and (d) the allocation of profits and losses from business entities.

COMMERCIAL TRANSACTIONS

The law governing commercial transactions derived from the

## **Board Rule 4**

following titles of the Maryland Code, Commercial Law Article: Sales (Title 2); Leases (Title 2A); Negotiable Instruments (Title 3); Bank Deposits and Collections (Title 4); Bulk Transfers (Title 6); and Secured Transactions (Title 9).

### **CONSTITUTIONAL LAW**

The interpretation of the Constitution of the United States and its amendments, division of powers between the states and national government, powers of the President, the Congress, and the Supreme Court, limitations on the powers of the state and national government.

### **CONTRACTS**

The consideration of agreements enforceable at law. The subject includes: (a) formation of contracts - offer and acceptance, mistake, fraud, misrepresentation or duress, contractual capacity, effect of illegality, consideration; informal contracts; (b) third-party beneficiary contracts; (c) assignment of contracts; (d) statute of frauds; (e) parol evidence rule, interpretation of contracts; (f) performance-conditions, failure of consideration, aleatory promises, rights of defaulting plaintiff, substantial performance, specific performance, (g) breach of contract and remedies therefor, including measure of damages; (h) impossibility of performance, frustration of purpose; and (i) discharge of contracts. This subject may also include law dealing with an agent's ability to bind a principal to a contract, and the agent's personal liability on a contract made

for a principal.

#### CRIMINAL LAW AND PROCEDURE

The law of crimes against the person; crimes against public peace and morals; property crimes; crimes involving the breach of public trust or civic duty, obstruction of justice; criminal responsibility, causation, justification and other defenses; constitutional limitations and protections. The law of criminal procedure includes the provisions of the Criminal Procedure Article of the Annotated Code of Maryland, Maryland Rules, Title 4, Criminal Causes, and to prosecutions for violations of criminal law.

#### EVIDENCE

The law governing the proof of issues of fact in civil and criminal trials including functions of the court and jury; competence of witnesses; examination, cross-examination and impeachment of witnesses; presumptions, burden of producing evidence and burden of persuasion; privileges against disclosure of information; relevancy; demonstrative, experimental and scientific evidence; opinion evidence; admissibility of writings; parol evidence rule; hearsay rule; judicial notice. The Board's Test shall cover only the Maryland substantive Law of Evidence, common law and statute, including the Maryland Rules of Evidence.

#### FAMILY LAW

The principles of Maryland law regarding creation of (or the existence of) the marriage relationship; termination of the

marriage; alimony and support of the marriage partner; support and custody of children; marital property issues; and prenuptial agreements. Includes both statutory and common law principles of Maryland law and procedure except for matters of adoption, paternity, and juvenile law.

#### MARYLAND CIVIL PROCEDURE

The various procedural steps and matters involved in an action at law or in equity, from commencement of the action to final disposition on appeal. The subject includes: (a) jurisdiction of courts; (b) venue; (c) parties and process; (d) forms of pleading; (e) motions and other means of raising procedural objections or defenses, including affirmative defenses and counter-claims; (f) discovery and other pre-trial procedures; (g) trial practice; (h) entry, effect and enforcement of judgments; (i) methods of taking appeal or otherwise securing appellate review; and (j) appellate practice and procedure. The subject embraces civil procedure and practice in the State courts. Federal Rules of practice and procedure are not covered on the examination.

#### PROFESSIONAL CONDUCT

The Maryland Attorneys' Rules of Professional Conduct set forth in Title 19, Chapter 300 of the Maryland Rules.

#### PROPERTY

The fundamentals of real property law including concepts of possession; concurrent and consecutive future estates in land (and their counterparts in testamentary and inter vivos trusts);

leaseholds and landlord-tenant relationships; fixtures and the distinction between real and personal property; covenants enforceable in equity; easements, profits and licenses; rights of user and exploitation in land (including rights to lateral and subjacent support); contracts of sale of real estate; the statute of limitations on real actions (adverse possession) and prescription; conveyancing priorities and recording (including marketable title); remedies. Problems of rules against perpetuities shall appear only on the MBE test.

**TORTS**

The law of civil wrongs. The subject includes, but is not limited to: (a) negligent torts including causation, standard of care, primary negligence, comparative and contributory negligence, assumption of risk, limitations on liability, contribution and indemnity; impact of insurance; (b) intentional torts; (c) strict liability, products liability; (d) nuisance; (e) invasion of privacy; (f) defamation; (g) vicarious liability; and (h) defenses, immunity and privilege, and damages in connection with any of these areas.

**REPORTER'S NOTE**

Language has been added to the section entitled "Evidence" to clarify that the Maryland Rules of Evidence are covered. The other changes are stylistic only.

MARYLAND RULES OF PROCEDURE

RULES OF THE BOARD

Board Rule 5. EXAMINATION FORMAT, SCORING, AND PASSING STANDARD

(a) Authority

Pursuant to section (c) of Rule 19-206, the State Board of Law Examiners adopts the Multistate Bar Examination and the Multistate Performance Test as part of the Maryland Bar Examination. Pursuant to section (d) of Rule 19-206, the Board establishes the policies and standards set forth in the following sections of this Board Rule to govern the format, scoring, and passing standard for the Maryland Bar Examination.

(b) Multistate Bar Examination (MBE)

(1) One part of the Maryland Bar Examination is the Multistate Bar Examination (MBE). The MBE is published and scored by the National Conference of Bar Examiners (NCBE) and its agents.

(2) The MBE is a multiple choice test. An applicant's MBE raw score is the number of questions answered correctly. MBE raw scores are scaled to adjust for possible differences in average question difficulty across administrations of the ~~exam~~ examination. As a result of scaling, a given MBE scale score indicates about the same level of performance regardless of the particular administration of the examination on which it is earned.

(c) Written Test: Board's Essay Test and the Multistate

## Board Rule 5

### Performance Test (MPT)

(1) The other part of the Maryland General Bar Examination is the Written Test, which comprises the Board's Essay Test and one MPT question. The Board shall prepare and grade the Board's Essay test. The MPT is published by the NCBE and graded by the Board.

(2) The Board's Essay test shall consist entirely of questions requiring essay answers. Questions shall not be labeled by subject matter. Single questions may involve two or more subject matters from the list in Board Rule 4.

(3) The format and specifications for the MPT are determined by the NCBE.

(4) The raw score for the Written Test shall be calculated as follows:

$$\text{Written Test raw score} = \text{Sum of Board's Essay test raw scores} + (\text{MPT raw score} \times 1.5)$$

(5) The Written Test raw score shall be converted to the same scale of measurement as that used on the MBE to adjust for possible differences in average question difficulty across administrations of the examination.

### (d) Combining MBE and Written Test Scores to Calculate Total Examination Score

(1) For purposes of calculating an applicant's total scale score, both the MBE and Written scale scores shall be rounded to the nearest whole number.

(2) The Written Test shall be weighted twice as heavily as

## Board Rule 5

the MBE in the computation of the total scale score. The following formula shall be used to compute an applicant's total scale score on the Maryland Bar Examination:

$$\text{Total Test Scale Score} = (\text{Written Scale Score} \times 2) + \text{MBE Scale Score}$$

### (e) Passing Standard

In order to pass the Maryland Bar Examination, an applicant shall achieve a total scale score, as defined in subsection (d)(2), of 406 or higher.

### (f) No Carryover of MBE Score or Written Score from Prior Examinations

For purposes of the Board's calculation of the total scale score and determination of the applicant's pass/fail status, an applicant shall achieve both the MBE and Written Test scale scores on the same administration of the Bar Examination.

### (g) Recognition of MBE Score Achieved Concurrently in Another State

The Board shall accept an MBE score which an applicant achieves in another state in an administration of the MBE which is concurrent with Maryland's administration of the Written Test to the applicant. For purposes of the Board's calculation of the total scale score and determination of the applicant's pass/fail status, the concurrent MBE score shall be treated exactly as though it were achieved in Maryland.

### (h) Adjustment of Passing Standard

For any particular administration of the ~~bar~~ Maryland

## **Board Rule 5**

General Bar examination, the Board may, in the interest of fairness, lower (but not raise) the passing score standard at any time before notices of the examination results are ~~mailed~~ transmitted.

### REPORTER'S NOTE

Board Rule 5 contains only stylistic changes.

MARYLAND RULES OF PROCEDURE

RULES OF THE BOARD

Board Rule 6. OUT-OF-STATE ATTORNEY EXAMINATION

(a) Subject Matter

The out-of-state attorney examination shall be prepared and graded by the Board and shall consist entirely of questions requiring essay answers. It shall relate to:

(1) Maryland Rules of Procedure governing practice and procedure in civil cases and criminal causes in all the Courts of the State of Maryland, including the Appendix of forms,

(2) the Maryland Attorneys' Rules of Professional Conduct, as set forth in Title 19, Chapter 300 of the Maryland Rules,

(3) the provisions of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, and

(4) the provisions of the Criminal Procedure Article of the Annotated Code of Maryland.

(b) Time - Duration

The attorney examination shall be conducted ~~during~~ contemporaneously with a part of the essay day of each regularly scheduled general bar examination. A total of three hours writing time shall be allowed for the entire test. The point score allotted for each question shall be noted on the examination sheet.

(c) Requirement for Passing

In order to pass the examination, a petitioner shall

## **Board Rule 6**

attain a score of at least 70% of the total point score allotted to the entire test.

### REPORTER'S NOTE

Board Rule 6 contains only stylistic changes.

MARYLAND RULES OF PROCEDURE

RULES OF THE BOARD

Board Rule 7. ELIGIBILITY TO TAKE THE MARYLAND GENERAL BAR EXAMINATION PURSUANT TO RULE 19-201 (b) (2)

In order for an additional degree from an ABA approved law school ~~in Maryland~~ to qualify under Rule 19-201 (b):

(a) the applicant, in the course of meeting the requirements of the award of the degree from the applicant's law school ~~in Maryland~~, shall ~~contain~~ complete a minimum of 26 credit hours ~~in from among~~ the bar examination subjects listed in Board Rule 4 and federal civil procedure and;

(b) the applicant shall furnish the following documents and certifications in a form required by the Board:

(1) a certification from the dean, assistant dean or acting dean of an ABA approved law school ~~in Maryland~~ that the applicant's foreign legal education, together with the applicant's approved law school degree, is the equivalent of that required for an LL.B. or a J.D. Degree in that law school;

(2) a certification from the dean, assistant dean or acting dean of an ABA approved law school ~~in Maryland~~ that the applicant has successfully completed a minimum of 26 credit hours ~~in from among~~ the bar examination subjects listed in Board Rule 4 and federal civil procedure; and

(3) all documents considered for admission of the applicant to the degree program of an ABA approved law school ~~in Maryland~~

## Board Rule 7

must be submitted by the law school and translated into the English language.

### REPORTER'S NOTE

Board Rule 7 contains ~~only~~ stylistic changes, as well as the addition of federal civil procedure as a subject matter area that counts toward the required 26 credit hours of study. The deletion of the phrase "in Maryland" conforms to the deletion of that phrase in Rule 19-201 (b).

MARYLAND RULES OF PROCEDURE

RULES OF THE BOARD

Board Rule 8. REQUESTING REVIEW OF WRITTEN EXAMINATION MATERIALS  
AND REVIEW OF MBE SCORES

On written request filed within 60 days after the date notice of the examination results is transmitted, an unsuccessful applicant may (1) review in person in the Board's office, and upon payment of the required fee obtain copies of, the applicant's essay test answers, MPT answer, MPT question book, and the NCBE's MPT point sheet; and (2) upon submitting to the Board's office a request form and check payable to the NCBE in the required amount, the Board will obtain confirmation of the applicant's MBE score. No further review of the MBE shall be permitted.

Source: This Rule is new.

REPORTER'S NOTE

New Board Rule 8 sets out the procedures for, and scope of, an unsuccessful applicant's review of the applicant's written examination materials and MBE score.